United Nations S/2010/683

Security Council

Distr.: General
31 December 2010

Original: English

Letter dated 30 December 2010 from the Chairman of the Security Council Working Group established pursuant to resolution 1566 (2004) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Working Group established pursuant to Security Council resolution 1566 (2004) (see annex). The report contains a summary of the activities of the Working Group in 2010.

I would appreciate it if the present letter and its annex could be brought to the attention of the members of the Security Council and issued as a document of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Chairman
Working Group established pursuant to resolution 1566 (2004)

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Annex

Report of the Security Council Working Group established pursuant to resolution 1566 (2004)

1. The Security Council adopted resolution 1566 (2004) on 8 October 2004. Under paragraph 9 of the resolution, the Council established a working group consisting of all members of the Council to consider and submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Al-Qaida and Taliban Sanctions Committee, including more effective procedures considered to be appropriate for bringing them to justice through prosecution or extradition, freezing of their financial assets, preventing their movement through the territories of Member States, preventing supply to them of all types of arms and related materiel, and on the procedures for implementing these measures.

2. In paragraph 10 of the resolution, the Security Council further requested the working group to consider the possibility of establishing an international fund to compensate victims of terrorist acts and their families, which might be financed through voluntary contributions, which could consist in part of assets seized from terrorist organizations, their members and sponsors, and submit its recommendations to the Council.

3. Upon agreement of the Security Council (see S/2010/2), Ambassador Ertuğrul Apakan, Permanent Representative of Turkey to the United Nations, was appointed Chairman of the Working Group for the period ending 31 December 2010.

4. On 23 March 2010, the Chairman convened informal consultations of the Working Group to take stock of recent developments of relevance to the Working Group's mandate and to exchange views with the members regarding these developments and the possible future programme of work for the Working Group. In this connection, the Chairman cited a number of developments which, in his view, warranted a fresh look into the mandate of the Working Group with a view to seeing whether further progress could be made on matters where consensus had not yet been achieved. In particular, the Chairman recalled the establishment of the Focal Point for De-listing in the Secretariat to receive de-listing requests directly from individuals and entities inscribed on sanctions lists maintained by Security Council committees, as well as the significant procedural advances contained in resolution 1904 (2009), including the creation of the Office of the Ombudsperson, empowered with a mandate to actively seek out information from both petitioners and relevant States and to present detailed observations on the case to the Al-Qaida and Taliban Sanctions Committee. The Chairman also recalled that the General Assembly had adopted the United Nations Global Counter-Terrorism Strategy on 8 September 2006, thereby giving support to the practical work of the United Nations Counter-Terrorism Implementation Task Force.

5. In light of these developments, the Chairman invited Jean-Paul Laborde, Special Adviser to the Under-Secretary-General for Political Affairs on counter-terrorism matters, to brief the Working Group on the work of the Task Force, in particular on the Task Force working group on supporting the victims of terrorism, as paragraph 10 of resolution 1566 (2004) called upon the Working Group to study the possibility of establishing an international fund to compensate victims of

terrorism and their families. At the informal consultations of the Working Group held on 23 March 2010, Mr. Laborde indicated that nationally established funds for the victims of terrorism were often considered more useful in achieving their objectives than an international fund, since levels of compensation and other elements of eligibility differed across the globe. Mr. Laborde further described how the Task Force working group would compile and publish on its website best practices on compensating and assisting victims of terrorism, drawn from programmes instituted in national jurisdictions, and he mentioned a number of compensation models that the Working Group might wish to consider, including those contained in General Assembly resolutions 60/147 and 40/34.

6. In response to the developments described by the Chairman and Mr. Laborde, members of the Working Group stressed the need to support victims of terrorist acts. Some members noted that this could best be done by supporting the current work of the Task Force and its working groups, which they saw as having overtaken the mandate of the Working Group established pursuant to resolution 1566 (2004).

7. Other members noted that, unlike the Task Force, the Working Group had been established as a subsidiary body of the Security Council, that the Council had not decided to terminate the Working Group, and that the Working Group might have a role to play in connection with issues under its mandate.

8. Members were of the view that the adoption of resolution 1904 (2009) was a positive step in ensuring that the Security Council's procedures for listing and de-listing were fair and clear. Some members noted, however, that it would be premature for the Working Group to submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Al-Qaida and Taliban Sanctions Committee, before the Ombudsperson process had been tested, and before the efficacy of the other procedural improvements contained in resolution 1904 (2009) could be assessed.

9. The Chairman, speaking in his national capacity, expressed the view that the mandate of the Working Group established pursuant to resolution 1566 (2004) covers critical aspects of the United Nations global counter-terrorism efforts. He suggested that it was time to look into possibilities of more effectively countering terrorist groups in various parts of the world, other than those designated by the Al-Qaida and Taliban Sanctions Committee, which threaten peace, security, stability, social and economic development, and human rights. The Chairman acknowledged that an agreement on the definition and scope of terrorism would contribute to the work of the Working Group, but he indicated that paragraph 3 of resolution 1566 (2004) could be considered a basis and criterion for moving forward. The Chairman believed that there was a need for the United Nations to continue to take steps on the issue of victims of terrorism, and he suggested that the Working Group continue its cooperation with the Task Force in that regard.